

By: Ellis

S.B. No. 1218

A BILL TO BE ENTITLED

AN ACT

relating to pre-trial procedures in a criminal case.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 1.051, Code of Criminal Procedure, is amended by amending Subsections (c) and (i), and adding Subsection (c-1) to read as follows:

(c) An indigent defendant is entitled to have an attorney appointed to represent him in any adversary judicial proceeding that may result in punishment by confinement and in any other criminal proceeding if the court concludes that the interests of justice require representation. Except as otherwise provided by this subsection, if an indigent defendant is entitled to and requests appointed counsel and if adversarial judicial proceedings have been initiated against the defendant, a court or the courts' designee authorized under Article 26.04 to appoint counsel for indigent defendants in the county shall appoint counsel as soon as possible, but not later than the end of the ~~[third working day after the date on which the court or the courts' designee receives the defendant's request for appointment of counsel. In a county with a population of 250,000 or more, the court or the courts' designee shall appoint counsel as required by this subsection as soon as possible, but not later than the end of the]~~ first working day after the date on which the court or the courts' designee receives the defendant's request for appointment of counsel.

1 (c-1) Notwithstanding any other provision of law, a court or
2 court's designee that is made aware of credible information
3 indicating that a defendant suffers from mental illness or mental
4 retardation to a degree that renders the defendant unable to
5 rationally decide whether to request appointed counsel shall
6 immediately appoint an attorney for the defendant.

7 (i) Except as otherwise provided by this subsection, if an
8 indigent defendant is entitled to and requests appointed counsel
9 and if adversarial judicial proceedings have not been initiated
10 against the defendant, a court or the courts' designee authorized
11 under Article 26.04 to appoint counsel for indigent defendants in
12 the county shall appoint counsel immediately following the
13 expiration of [~~three working days after the date on which the court~~
14 ~~or the courts' designee receives the defendant's request for~~
15 ~~appointment of counsel. If adversarial judicial proceedings are~~
16 ~~initiated against the defendant before the expiration of the three~~
17 ~~working days, the court or the courts' designee shall appoint~~
18 ~~counsel as provided by Subsection (c). In a county with a~~
19 ~~population of 250,000 or more, the court or the courts' designee~~
20 ~~shall appoint counsel as required by this subsection immediately~~
21 ~~following the expiration of]~~ one working day after the date on which
22 the court or the courts' designee receives the defendant's request
23 for appointment of counsel. If adversarial judicial proceedings
24 are initiated against the defendant before the expiration of the
25 one working day, the court or the courts' designee shall appoint
26 counsel as provided by Subsection (c).

27 SECTION 2. Article 17.02, Code of Criminal Procedure, is

1 amended to read as follows:

2 Art. 17.02. DEFINITION OF "BAIL BOND"; CASH BOND
3 AUTHORIZED. (a) A "bail bond" is a written undertaking entered
4 into by the defendant and the defendant's ~~[his]~~ sureties for the
5 appearance of the principal therein before some court or magistrate
6 to answer a criminal accusation; provided, however, that the
7 defendant upon execution of such bail bond may deposit with the
8 custodian of funds of the court in which the prosecution is pending
9 current money of the United States in the amount of the bond, or in a
10 lesser amount as provided by Article 17.025, in lieu of having
11 sureties signing the same.

12 (b) Any cash funds deposited under this Article or Article
13 17.025 shall be receipted for by the officer receiving those funds.
14 The officer shall deposit the funds in an interest-bearing account
15 established for purposes of this subsection. Interest on the
16 amount in the account may be retained by the county to cover the
17 costs of administering this subsection. In addition, the county
18 may impose a fee, not to exceed 10 percent of the amount deposited,
19 to cover those administrative costs. The officer shall refund the
20 amount deposited, less any amount retained under this subsection as
21 an administrative fee, [the same and shall be refunded] to the
22 defendant, or to another person to whom that amount is assigned by
23 the defendant in a signed written instrument filed with that
24 officer, [if and] when the defendant complies with the conditions
25 of the defendant's ~~[his]~~ bond, and upon order of the court.

26 SECTION 3. Chapter 17, Code of Criminal Procedure, is
27 amended by adding Article 17.025 to read as follows:

1 Art. 17.025. RELEASE ON BOND IN PARTIAL AMOUNT. (a) A
2 magistrate may release a defendant on bail by permitting the
3 defendant to deposit an amount of cash bond or to submit a bail bond
4 in an amount that is less than the total amount of bail set in the
5 case if the magistrate determines that requiring the defendant to
6 deposit a cash bond or to procure a bail bond in the full amount of
7 bail will impose an unreasonable hardship on the defendant.

8 (b) Only the court before whom the case is pending may
9 release a defendant under this article if the defendant is a
10 defendant described by Article 17.03(b).

11 (c) A magistrate who releases a defendant under this article
12 may impose any condition on the release that the magistrate could
13 impose if the defendant were released on personal bond.

14 SECTION 4. Article 17.03(b), Code of Criminal Procedure, is
15 amended to read as follows:

16 (b) Only the court before whom the case is pending may
17 release on personal bond a defendant who:

18 (1) is charged with an offense under the following
19 sections of the Penal Code:

- 20 (A) Section 19.02 (Murder);
21 (B) Section 19.03 (Capital Murder);
22 (C) Section 19.04 (Manslaughter);
23 (D) Section 19.05 (Criminally Negligent
24 Homicide);
25 (E) [~~(B)~~] Section 20.04 (Aggravated Kidnapping);
26 (F) [~~(C)~~] Section 22.021 (Aggravated Sexual
27 Assault) [+

1 [~~(D)~~ ~~Section 22.03 (Deadly Assault on Law~~
2 ~~Enforcement or Corrections Officer, Member or Employee of Board of~~
3 ~~Pardons and Paroles, or Court Participant)~~];

4 (G) [~~(E)~~] Section 22.04 (Injury to a Child,
5 Elderly Individual, or Disabled Individual);

6 (H) [~~(F)~~] Section 29.03 (Aggravated Robbery);

7 (I) [~~(G)~~] Section 30.02 (Burglary);

8 (J) Section 49.08 (Intoxication Manslaughter);

9 or

10 (K) [~~(H)~~] Section 71.02 (Engaging in Organized
11 Criminal Activity);

12 (2) is charged with a felony under Chapter 481, Health
13 and Safety Code, or Section 485.032 [~~485.033~~], Health and Safety
14 Code, punishable by imprisonment for a minimum term or by a maximum
15 fine that is more than a minimum term or maximum fine for a first
16 degree felony; or

17 (3) does not submit to testing for the presence of a
18 controlled substance in the defendant's body as requested by the
19 court or magistrate under Subsection (c) of this article or submits
20 to testing and the test shows evidence of the presence of a
21 controlled substance in the defendant's body.

22 SECTION 5. Article 26.04, Code of Criminal Procedure, is
23 amended by amending Subsections (a), (b), (e), (g), and (m) and
24 adding Subsections (m-1) and (m-2) to read as follows:

25 (a) The judges of the county courts, statutory county
26 courts, and district courts trying criminal cases in each county,
27 by local rule, shall adopt and publish written countywide

1 procedures for timely and fairly appointing counsel for an indigent
2 defendant in the county arrested for or charged with a misdemeanor
3 punishable by confinement or a felony. The procedures must be
4 consistent with this article and Articles 1.051, 15.17, 24.041,
5 26.05, and 26.052. A court shall appoint an attorney from a public
6 appointment list using a system of rotation, unless the court
7 appoints an attorney under Subsection (f), (h), or (i). The court
8 shall appoint attorneys from among the next five names on the
9 appointment list in the order in which the attorneys' names appear
10 on the list, unless the court makes a finding of good cause on the
11 record for appointing an attorney out of order. An attorney who is
12 not appointed in the order in which the attorney's name appears on
13 the list shall remain next in order on the list.

14 (b) Procedures adopted under Subsection (a) shall:

15 (1) authorize only the judges of the county courts,
16 statutory county courts, and district courts trying criminal cases
17 in the county, or the judges' designee, to appoint counsel for
18 indigent defendants in the county;

19 (2) apply to each appointment of counsel made by a
20 judge or the judges' designee in the county;

21 (3) ensure that each indigent defendant in the county
22 who is charged with a misdemeanor punishable by confinement or with
23 a felony and who appears in court without counsel has an opportunity
24 to confer with appointed counsel before the commencement of
25 judicial proceedings;

26 (4) require appointments for defendants in capital
27 cases in which the death penalty is sought to be made in compliance

1 ~~[comply]~~ with the requirements of ~~[under]~~ Article 26.052;

2 (5) ensure that each attorney appointed from a public
3 appointment list to represent an indigent defendant perform the
4 attorney's duty owed to the defendant in accordance with the
5 adopted procedures, the requirements of this code, and applicable
6 rules of ethics; ~~[and]~~

7 (6) ensure that appointments are allocated among
8 qualified attorneys in a manner that is fair, neutral, and
9 nondiscriminatory; and

10 (7) require appointments for defendants with severe
11 mental illness or mental retardation to be made in compliance with
12 the requirements of Articles 1.051(c-1) and 26.041.

13 (e) In a county in which a court is required under
14 Subsection (a) to appoint an attorney from a public appointment
15 list:

16 (1) the judges of the county courts and statutory
17 county courts trying misdemeanor cases in the county, by formal
18 action:

19 (A) shall:

20 (i) establish a public appointment list of
21 attorneys qualified to provide representation in the county in
22 misdemeanor cases punishable by confinement; and

23 (ii) specify the objective qualifications
24 necessary for an attorney to be included on the list; and

25 (B) may establish, if determined by the judges to
26 be appropriate, more than one appointment list graduated according
27 to the degree of seriousness of the offense and the attorneys'

1 qualifications; and

2 (2) the judges of the district courts trying felony
3 cases in the county, by formal action:

4 (A) shall:

5 (i) establish a public appointment list of
6 attorneys qualified to provide representation in felony cases in
7 the county; and

8 (ii) specify the objective qualifications
9 necessary for an attorney to be included on the list, which must
10 include service as lead counsel for a party throughout two or more
11 trials in which a jury verdict is rendered; and

12 (B) may establish, if determined by the judges to
13 be appropriate, more than one appointment list graduated according
14 to the degree of seriousness of the offense and the attorneys'
15 qualifications.

16 (g) A countywide alternative program for appointing counsel
17 for indigent defendants in criminal cases is established by a
18 formal action in which two-thirds of the judges of the courts
19 designated under this subsection vote to establish the alternative
20 program. An alternative program for appointing counsel in
21 misdemeanor and felony cases may be established in the manner
22 provided by this subsection by the judges of the county courts,
23 statutory county courts, and district courts trying criminal cases
24 in the county. An alternative program for appointing counsel in
25 misdemeanor cases may be established in the manner provided by this
26 subsection by the judges of the county courts and statutory county
27 courts trying criminal cases in the county. An alternative program

1 for appointing counsel in felony cases may be established in the
2 manner provided by this subsection by the judges of the district
3 courts trying criminal cases in the county. In a county in which an
4 alternative program is established:

5 (1) the alternative program may:

6 (A) use a single method for appointing counsel or
7 a combination of methods; and

8 (B) use a multicounty appointment list using a
9 system of rotation; and

10 (2) the procedures adopted under Subsection (a) must
11 ensure that:

12 (A) attorneys appointed using the alternative
13 program to represent defendants in misdemeanor cases punishable by
14 confinement:

15 (i) meet specified objective
16 qualifications, which may be graduated according to the degree of
17 seriousness of the offense, for providing representation in
18 misdemeanor cases punishable by confinement; and

19 (ii) are approved by a majority of the
20 judges of the county courts and statutory county courts trying
21 misdemeanor cases in the county;

22 (B) attorneys appointed using the alternative
23 program to represent defendants in felony cases:

24 (i) meet specified objective
25 qualifications, which may be graduated according to the degree of
26 seriousness of the offense, for providing representation in felony
27 cases; and

1 (ii) are approved by a majority of the
2 judges of the district courts trying felony cases in the county;

3 (C) appointments for defendants in capital cases
4 in which the death penalty is sought comply with the requirements of
5 Article 26.052; ~~and~~

6 (D) appointments are reasonably and impartially
7 allocated among qualified attorneys; and

8 (E) the alternative program specifies no more
9 than one appointment method or one combination of methods for
10 appointing counsel, and provides that this method or combination is
11 to be used in each and every court that is covered by the countywide
12 alternative program.

13 (m) In determining whether a defendant is indigent, the
14 court or the courts' designee shall ~~may~~ consider the defendant's
15 income, source of income, assets, property owned, outstanding
16 obligations, necessary expenses, the number and ages of dependents,
17 and spousal income that is available to the defendant; the
18 seriousness and complexity of each charged offense; the anticipated
19 cost of representation; and any other factor impacting the ability
20 of the defendant to retain private counsel. The court or the
21 courts' designee may not consider whether the defendant has posted
22 or is capable of posting bail, except to the extent that it reflects
23 the defendant's financial circumstances as measured by the
24 considerations listed in this subsection.

25 (m-1) A defendant is presumed to be indigent if:

26 (1) the defendant or a dependent of the defendant has
27 been determined to be eligible to receive public assistance,

1 including food stamps, Medicaid, Temporary Assistance to Needy
2 Families, Supplemental Security Income, public or subsidized
3 housing, or civil legal services;

4 (2) the household income of the defendant is equal to
5 or less than 150 percent of the poverty guidelines published
6 annually by the United States Department of Commerce;

7 (3) the defendant is currently:

8 (A) serving a sentence in a correctional
9 institution;

10 (B) residing in a public mental health facility;
11 or

12 (C) the subject of a proceeding in which
13 admission or commitment to a public mental health facility is
14 sought; or

15 (4) the defendant has been previously determined to be
16 indigent and entitled to court-appointed counsel in the currently
17 pending or a related court proceeding.

18 (m-2) Notwithstanding Subsections (m) and (m-1), a
19 defendant is eligible for appointment of counsel if the defendant
20 is unable to employ counsel without substantial financial hardship
21 to the defendant or the defendant's dependents.

22 SECTION 6. Chapter 26, Code of Criminal Procedure, is
23 amended by adding Articles 26.041 and 26.042 to read as follows:

24 Art. 26.041. APPOINTMENT OF COUNSEL FOR DEFENDANT WITH
25 SEVERE MENTAL ILLNESS OR MENTAL RETARDATION. In addition to
26 meeting the requirements of Article 26.04, an attorney appointed as
27 counsel for a defendant who suffers from severe mental illness or

1 mental retardation must have participated in at least six hours of
2 continuing legal education courses or other training related to
3 criminal defense of mentally ill or mentally retarded defendants
4 and either:

5 (1) represented defendants in at least five cases in
6 which serious mental health issues were involved, as determined by
7 the judge assessing the attorney's qualifications; or

8 (2) tried to verdict as lead counsel at least two cases
9 in which competence or insanity issues were presented to a trier of
10 fact.

11 Art. 26.042. OFFICE FOR PRE-TRIAL SERVICES. (a) In this
12 article, "office for pre-trial services" means an office that
13 collects information about defendants and presents the information
14 to a court for use in bail and indigent defense proceedings.

15 (b) The commissioners court of a county may provide for the
16 pre-trial collection of information about defendants by:

17 (1) creating an office for pre-trial services for the
18 county;

19 (2) collaborating with the commissioners court in a
20 neighboring county or counties to create an office for pre-trial
21 services for the region; or

22 (3) contracting with a nonprofit entity.

23 (c) An office for pre-trial services may:

24 (1) investigate and verify facts about a defendant
25 that are relevant to releasing the defendant on bail or appointing
26 counsel for the defendant;

27 (2) prepare and present to the court a pre-trial

1 release recommendation describing the facts collected during the
2 investigation; and

3 (3) assist the court in securing the attendance in
4 court of a defendant released on personal or cash bond.

5 (d) A person convicted of an offense shall pay, in addition
6 to all other costs, a fee of no more than \$20 to be determined by the
7 commissioners court or court in the county or counties in which the
8 office for pre-trial services is located.

9 (e) An office for pre-trial services may not deny services
10 to any person because the person is unable to pay for the services
11 as required by Subsection (d).

12 SECTION 7. Article 26.05, Code of Criminal Procedure, is
13 amended by amending Subsections (c), and (h) and adding Subsection
14 (h-1) to read as follows:

15 (c) Each fee schedule adopted shall state reasonable fixed
16 rates or minimum and maximum hourly rates, taking into
17 consideration reasonable and necessary overhead costs and the
18 availability of qualified attorneys willing to accept the stated
19 rates, and shall provide a form for the appointed counsel to itemize
20 the types of services performed. No payment shall be made under
21 this article until the form for itemizing the services performed is
22 submitted to the judge presiding over the proceedings and the judge
23 approves the payment. If the judge disapproves the requested
24 amount of payment, the judge shall make written findings stating
25 the amount of payment that the judge approves and each reason for
26 approving an amount different from the requested amount. An
27 attorney whose request for payment is wholly or partly disapproved

may appeal the disapproval by filing a motion with the presiding judge of the administrative judicial region. On the filing of a motion, the presiding judge of the administrative judicial region shall review the disapproval of payment and determine the appropriate amount of payment. In reviewing the disapproval, the presiding judge of the administrative judicial region may conduct a hearing. If the presiding judge of the administrative judicial region disapproves the requested amount of payment, the presiding judge shall make written findings stating the amount of payment that the presiding judge approves and each reason for approving an amount different from the requested amount. Not later than the 45th day after the date an application for payment of a fee is submitted under this article, the commissioners court shall pay to the appointed counsel the amount that is approved by the presiding judge of the administrative judicial region and that is reasonable and necessary for the service performed by the attorney or in accordance with the fee schedule for that county.

(h) Reimbursement of expenses incurred for purposes of investigation or expert testimony may be paid, in the manner designated by appointed counsel and approved by the court, directly to:

- (1) a private investigator licensed under Chapter 1702, Occupations Code;
- (2) a mitigation specialist; or
- (3) [~~or to~~] an expert witness [~~in the manner designated by appointed counsel and approved by the court~~].

(h-1) If the judge disapproves the requested amount of

1 direct payment to a person under Subsection (h), the judge shall
2 make written findings stating the amount of payment that the judge
3 approves and each reason for approving an amount different from the
4 requested amount. A person whose request for payment is wholly or
5 partly disapproved may appeal the decision in the manner provided
6 for an attorney under Subsection (c).

7 SECTION 8. Article 39.14, Code of Criminal Procedure, is
8 amended by adding Subsections (c) and (d) to read as follows:

9 (c) In the interests of the efficient and fair
10 administration of justice, a court of competent jurisdiction may,
11 and in capital murder prosecutions shall, order that the State
12 provide to the attorney representing the accused one photostatic,
13 photographic, or electronic copy of any and all law enforcement
14 reports, reports of medical examiners and other experts, and
15 witness statements, whether written or on video or audio tape, at
16 least 15 days prior to any criminal proceeding or as soon as
17 practicable thereafter. The party bearing costs for such copies
18 may be determined locally.

19 (d) The court may order redacted from discovery the address
20 and telephone number of victims of the offense upon a showing of
21 necessity or safety.

22 SECTION 9. Subchapter D, Chapter 71, Government Code, is
23 amended by adding Section 71.0605 to read as follows:

24 Sec. 71.0605. LIST OF CAPITAL CASES PENDING. The Task Force
25 on Indigent Defense shall maintain a list of pending capital murder
26 cases in which the state is seeking the death penalty and shall make
27 the list available to the public.

SECTION 10. The heading to Section 71.061, Government Code, is amended to read as follows:

Sec. 71.061. MONITORING COUNTY COMPLIANCE [~~REPORTING PLAN~~]; TASK FORCE REPORTS.

SECTION 11. Section 71.061, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) The Task Force on Indigent Defense shall direct staff to monitor the implementation of county procedures adopted under Article 26.04(a), Code of Criminal Procedure, in a manner that promotes compliance with the written procedures chosen in each county, and shall annually submit to the Legislature a report on the results of its monitoring efforts under this Subsection.

SECTION 12. Section 71.062, Government Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (e) to read as follows:

(a) The Task Force on Indigent Defense shall:

(1) provide technical support to:

(A) assist counties in improving their indigent defense systems; ~~and~~

(B) promote compliance by counties with the requirements of state law relating to indigent defense; and

(C) assist a county commissioner or judge in studying ways in which an office of the public defender may improve the quality, cost, efficiency, or independence of indigent defense services funded by the county;

(2) direct the comptroller to distribute funds, including grants, to counties to provide indigent defense services

1 in the county; and

2 (3) monitor each county that receives a grant and
3 enforce compliance by the county with the conditions of the grant,
4 including enforcement by directing the comptroller to:

5 (A) withdraw grant funds; or

6 (B) require reimbursement of grant funds by the
7 county.

8 (a-1) A county may not receive a grant from the Task Force on
9 Indigent Defense unless the official applying for the grant
10 certifies, on reasonable inquiry, that the procedures chosen under
11 Article 26.04(a), Code of Criminal Procedure, are substantially
12 implemented as of the date of certification.

13 (e) A judicial official, auditor, or clerk shall provide to
14 a county judge or commissioner any information sought in
15 conjunction with a study conducted under Subsection (a)(1)(C).

16 SECTION 13. Section 102.021, Government Code, is amended to
17 read as follows:

18 Sec. 102.021. COURT COSTS ON CONVICTION. A person
19 convicted of an offense shall pay, in addition to all other costs:

20 (1) court costs on conviction of a felony (Sec.
21 133.102, Local Government Code) . . . \$133;

22 (2) court costs on conviction of a Class A or Class B
23 misdemeanor (Sec. 133.102, Local Government Code) . . . \$83;

24 (3) court costs on conviction of a nonjailable
25 misdemeanor offense, including a criminal violation of a municipal
26 ordinance, other than a conviction of an offense relating to a
27 pedestrian or the parking of a motor vehicle (Sec. 133.102, Local

Government Code) . . . \$40;

(4) court costs on certain convictions in statutory county courts (Sec. 51.702, Government Code) . . . \$15;

(5) court costs on certain convictions in certain county courts (Sec. 51.703, Government Code) . . . \$15;

(6) a time payment fee if convicted of a felony or misdemeanor for paying any part of a fine, court costs, or restitution on or after the 31st day after the date on which a judgment is entered assessing the fine, court costs, or restitution (Sec. 133.103, Local Government Code) . . . \$25;

(7) a fee for services of prosecutor (Art. 102.008, Code of Criminal Procedure) . . . \$25;

(8) fees for services of peace officer:

(A) issuing a written notice to appear in court for certain violations (Art. 102.011, Code of Criminal Procedure) . . . \$5;

(B) executing or processing an issued arrest warrant or capias (Art. 102.011, Code of Criminal Procedure) . . . \$50;

(C) summoning a witness (Art. 102.011, Code of Criminal Procedure) . . . \$5;

(D) serving a writ not otherwise listed (Art. 102.011, Code of Criminal Procedure) . . . \$35;

(E) taking and approving a bond and, if necessary, returning the bond to courthouse (Art. 102.011, Code of Criminal Procedure) . . . \$10;

(F) commitment or release (Art. 102.011, Code of

Criminal Procedure) . . . \$5;

(G) summoning a jury (Art. 102.011, Code of Criminal Procedure) . . . \$5;

(H) attendance of a prisoner in habeas corpus case if prisoner has been remanded to custody or held to bail (Art. 102.011, Code of Criminal Procedure) . . . \$8 each day;

(I) mileage for certain services performed (Art. 102.011, Code of Criminal Procedure) . . . \$0.29 per mile; and

(J) services of a sheriff or constable who serves process and attends examining trial in certain cases (Art. 102.011, Code of Criminal Procedure) . . . not to exceed \$5;

(9) services of a peace officer in conveying a witness outside the county (Art. 102.011, Code of Criminal Procedure) . . . \$10 per day or part of a day, plus actual necessary travel expenses;

(10) overtime of peace officer for time spent testifying in the trial or traveling to or from testifying in the trial (Art. 102.011, Code of Criminal Procedure) . . . actual cost;

(11) court costs on an offense relating to rules of the road, when offense occurs within a school crossing zone (Art. 102.014, Code of Criminal Procedure) . . . \$25;

(12) court costs on an offense of passing a school bus (Art. 102.014, Code of Criminal Procedure) . . . \$25;

(13) court costs on an offense of truancy or contributing to truancy (Art. 102.014, Code of Criminal Procedure) . . . \$20;

(14) cost for visual recording of intoxication arrest before conviction (Art. 102.018, Code of Criminal Procedure) . . .

\$15;

(15) cost of certain evaluations (Art. 102.018, Code of Criminal Procedure) . . . actual cost;

(16) additional costs attendant to certain intoxication convictions under Chapter 49, Penal Code, for emergency medical services, trauma facilities, and trauma care systems (Art. 102.0185, Code of Criminal Procedure) . . . \$100;

(17) cost for DNA testing for certain felonies (Art. 102.020, Code of Criminal Procedure) . . . \$250;

(18) court cost on an offense of public lewdness or indecent exposure (Art. 102.020, Code of Criminal Procedure) . . . \$50;

(19) court cost on conviction of a misdemeanor under Subtitle C, Title 7, Transportation Code (Sec. 542.403, Transportation Code) . . . \$3;

(20) cost for impoundment of vehicle (Sec. 601.263, Transportation Code) . . . \$15 per day; ~~and~~

(21) a civil and criminal enforcement cost on conviction of an offense of, or related to, the nonpayment of a toll in certain counties (Sec. 284.2031, Transportation Code) . . . \$1; and

(22) fee for services of a pre-trial services office (Art. 26.042, Code of Criminal Procedure) . . . not more than \$20.

SECTION 14. Section 133.102(e), Local Government Code, is amended to read as follows:

(e) The comptroller shall allocate the court costs received under this section to the following accounts and funds so that each

receives to the extent practicable, utilizing historical data as applicable, the same amount of money the account or fund would have received if the court costs for the accounts and funds had been collected and reported separately, except that the account or fund may not receive less than the following percentages:

- (1) abused children's counseling 0.0088 percent;
- (2) crime stoppers assistance 0.2581 percent;
- (3) breath alcohol testing 0.5507 percent;
- (4) Bill Blackwood Law Enforcement Management Institute 1.8000 [~~2.1683~~] percent;
- (5) law enforcement officers standards and education 5.0034 percent;
- (6) comprehensive rehabilitation 5.3218 percent;
- (7) operator's and chauffeur's license 10.0263 [~~11.1426~~] percent;
- (8) criminal justice planning 10.0263 [~~12.5537~~] percent;
- (9) an account in the state treasury to be used only for the establishment and operation of the Center for the Study and Prevention of Juvenile Crime and Delinquency at Prairie View A&M University 1.2090 percent;
- (10) compensation to victims of crime fund 37.6338 percent;
- (11) fugitive apprehension account 12.0904 percent;
- (12) judicial and court personnel training fund 4.8362 percent;
- (13) an account in the state treasury to be used for

1 the establishment and operation of the Correctional Management
2 Institute of Texas and Criminal Justice Center Account 1.2090
3 percent; and

4 (14) fair defense account 10.0263 [~~6.0143~~] percent.

5 SECTION 15. Article 1.051(j), Code of Criminal Procedure,
6 is repealed.

7 SECTION 16. Article 1.051(j), Code of Criminal Procedure,
8 is repealed.

9 SECTION 17. A conviction for an offense committed before
10 the effective date of this Act is governed by the law in effect at
11 the time the offense was committed, and the former law is continued
12 in effect for that purpose. For purposes of this section, an
13 offense was committed before the effective date of this Act if any
14 element of the offense was committed before that date.

15 SECTION 18. This Act takes effect September 1, 2005.